

**IN THE MINISTRY OF FOREIGN AFFAIRS
OF THE U.S.S.R.**



**NOTES OF THE SOVIET GOVERNMENT
TO THE GOVERNMENTS OF THE U.S.A.,
GREAT BRITAIN AND FRANCE**

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SUPPLEMENT to **NEW TIMES** No. 17, April 26, 1950

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In the Ministry of Foreign Affairs of the U.S.S.R.

On April 18, U.S. Ambassador Mr. A. Kirk handed A. A. Gromyko, Deputy Minister of Foreign Affairs of the U.S.S.R., the following note of the Government of the U.S.A. in reply to the note of the Soviet Government of April 11:

"The Ambassador of the United States of America presents his compliments to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and, with reference to the note of the Ministry of Foreign Affairs of April 11, 1950, has the honour to state that the only American military aircraft which was in the air in the Baltic Area on April 8, 1950, was a United States Navy privateer airplane which disappeared on that date and no trace of its crew has since been found.

"The United States Navy airplane carried ten persons. It was wholly unarmed. It left Wiesbaden at 10:31 A.M. Greenwich time for a flight over the Baltic Area and two and one-half hours later reported by radio crossing the coast line of the British zone of Germany. All American military aircraft operate under strict instructions to avoid flying over any foreign territory in the absence of express permission for such a flight from the appropriate foreign government. The investigation conducted by the United States Government has convinced it that the United States Navy airplane in question complied strictly with these instructions and did not fly over any Soviet or Soviet-occupied territory or territorial waters adjacent thereto.

"In the Ministry's communication under reference the Soviet Government acknowledges that one of its fighter aircraft fired upon an American plane on April 8, 1950 at 5:30 P.M. Moscow time. In view of the fact that the only American military airplane which was in the air in the Baltic Area on that date was the unarmed United States Navy airplane mentioned above and that this airplane was at no time after it crossed the coast line of Germany over any foreign territory or territorial waters, it must be concluded that Soviet military aircraft fired upon an unarmed American plane over the open sea, following which the American airplane was lost.

"The Ambassador of the United States has been instructed to protest in the most solemn manner against this violation of international law and of the most elementary rules of peaceful conduct between nations. The United States Government demands that the Soviet Government institute a prompt and thorough investigation of this matter in order that the facts set forth above may be confirmed to its satisfaction. The United States Government further demands that the most strict and categorical instructions be issued to the Soviet Air Force that there be no repetition, under whatever pretext of incidents of this kind which are so clearly calculated to magnify the difficulties of maintaining peaceful and correct international relationships.

"The United States Government confidently expects that when its investigation is completed, the Soviet Government will express its regret for the unlawful and provocative behaviour of its aviators, will see to it that those responsible for this action are promptly and severely punished and will, in accordance with established custom among peace-loving nations, pay appropriate indemnity for the unprovoked destruction of American lives and property."

On April 21, Minister of Foreign Affairs of the U.S.S.R. A. Y. Vyshinsky handed Mr. A. Kirk the following reply note of the Soviet Government:

"In reply to the note of the Government of the United States of America of April 18, 1950, the Government of the Union of Soviet Socialist Republics deems it necessary to state the following.

"As already stated in the note of the Soviet Government of April 11, according to verified data the American aircraft which violated the Soviet frontier south of Libava (Liepaja) was a four-engined B-29 (Flying Fortress) military airplane, which not only did not obey the demand of the Soviet fighter planes to follow them and land at the airfield, but opened fire on the Soviet aircraft. After the leading Soviet fighter was forced to return fire, the American plane turned seaward and disappeared.

"Such are the facts established after proper verification.

"The note of the United States Government of April 18 contains a number of unsupported statements which are refuted by the precisely established facts.

"In this note, for instance, the United States Government declares that the only American military aircraft which was in the air in the Baltic Area on April 8 was a United States Navy privateer airplane. But it has been precisely established that the plane that flew over Soviet territory south of Libava (Liepaja) was a B-29 (Flying Fortress) bearing American identification marks.

"The United States Government alleges that the aircraft in question did not violate the Soviet frontier and was not armed. But according to verified information at the disposal of the Soviet Government, an American B-29 (Flying Fortress) did violate the state frontier of the U.S.S.R. on April 8 in the Libava Area, penetrating into Soviet territory to a depth of 21 kilometres, and did fire on the Soviet fighter aircraft.

"These facts completely refute the assertions of the United States Government that the American airplane did not violate the frontier of the Soviet Union, and that it was not armed.

"In the light of these facts, the aforementioned statements of the United States Government can only be regarded as an attempt to evade responsibility for a gross violation of international law.

"The United States Government also says in its note that it 'demands that the most strict and categorical instructions be issued to the Soviet Air Force' to avoid a repetition of incidents of this kind, that responsibility for the incident must be borne by the Soviet side, and that the latter must pay indemnity for the loss of the American plane.

"The Soviet Government cannot consider these demands, since they are obviously absurd and devoid of all foundation.

"It should be easily understood that the air force of any country, which has the duty of protecting the inviolability of its frontiers, would, in the event of the country's frontiers being violated by a foreign aircraft, have acted in exactly the same way as did the Soviet Air Force.

The note of the American Government affirms that the American airplane which violated the frontier of the Soviet Union was lost. The Soviet Government has no information on this point, but if the American airplane has really been lost the responsibility for its loss lies exclusively with the gentlemen who instructed the American airplane to penetrate into Soviet territory with the purpose of photographing Soviet defence installations, and thus prompted it to infringe international law and the inviolability of the Soviet frontiers.

"As to the instructions which the American note says should be given to Soviet aviators, proper instructions have long existed and do not stand in need of any alteration. These instructions are: should a foreign aircraft violate the frontiers of the U.S.S.R. and penetrate into Soviet territory, it is the duty of Soviet aviators to compel it to land on a Soviet airfield, and, if it offers resistance, to open fire on it.

"Lastly, the Soviet Government deems it necessary to draw especial attention to the fact that the United States Government, as may be judged from its note of April 18, instead of giving an objective reply to the note of the U.S.S.R. Government of April 11, is shielding the unlawful actions of certain of its subordinates who have defamed themselves by grossly violating generally recognized rules of international law.

"In view of the above, the Soviet Government reaffirms its resolute protest to the United States Government against the gross violation of Soviet frontiers by an American military aircraft."

Mr. A. Kirk intimated that he would make this note known to his Government.

Notes of the Soviet Government to the Governments of the U.S.A., Great Britain and France

On April 20, 1950, the Deputy Minister of Foreign Affairs of the U.S.S.R. A. A. Gromyko, handed American Ambassador Mr. Kirk, French Ambassador M. Chataigneau and British Chargé d'Affaires Mr. Nicholls notes on the subject of the Free Territory of Trieste, in which the Soviet Government addresses the following statement to the Governments of the U.S.A., Great Britain and France:

"The Peace Treaty with Italy, which entered into force on September 15, 1947, provided for the formation of a Free Territory of Trieste. Concerning the formation of the Free Territory of Trieste, Article 21 of the Peace Treaty says:

"There is hereby constituted the Free Territory of Trieste, consisting of the area lying between the Adriatic Sea and the boundaries defined in Articles 4 and 22 of the present Treaty. The Free Territory of Trieste is recognized by the Allied and Associated Powers and by Italy, which agree that its integrity and independence shall be assured by the Security Council of the United Nations."

"The Treaty further provides that the Free Territory of Trieste shall be governed by the provisions of the Permanent Statute, included in the Peace Treaty in the shape of Annex VI, which defines in detail the principles and procedure for the government of the Trieste Territory.

"The Peace Treaty further includes, in the shape of Annex VII, an Instrument for the Provisional Regime of the Free Territory of Trieste, which was drafted by the Council of Foreign Ministers and approved by the Security Council. This Instrument was to operate from the moment of coming into force of the Peace Treaty until such date as the Security Council should fix for the coming into force of the Permanent Statute it had approved.

"The Peace Treaty provided that a Governor be appointed by the Security Council for the administration of the Free Territory of Trieste, and that he assume office at the earliest possible moment after the coming into force of the Peace Treaty. In this connection it should be recalled that on December 12, 1946, the Foreign Ministers of the United States, France, Great Britain and the Soviet Union signed a Protocol in New York in which it was stated that the afore-mentioned Ministers, acting as

the Council of Foreign Ministers, had agreed that 'their Governments would take all possible steps to secure the designation of the Governor of the Free Territory of Trieste at the earliest possible date under the conditions laid down in the draft Permanent Statute, so as to ensure his appointment by the Security Council simultaneously with the entry into force of the Peace Treaty.' In accordance with this pledge undertaken by the Governments of the United States, Great Britain, France and the U.S.S.R., the Governor of the Free Territory of Trieste was to be appointed by September 15, 1947, when the Peace Treaty with Italy came into force.

"In accordance with Article 2 of the Instrument for the Provisional Regime, the Governor, after consultation with the Italian and Yugoslav Governments, was to form a Provisional Council of Government, the functions of which are likewise defined in the Instrument.

"According to the Instrument, at the moment the Governor assumed office, foreign troops stationed in the Free Territory, whose numbers by that time were to have been reduced to 5,000 men for each of the countries taking part in the occupation of Trieste, were to be placed at the disposal of the Governor for a period of 90 days. Within 45 days after the termination of that period, all foreign troops were to be withdrawn from the Free Territory, in the manner provided in Article 5 of the Instrument. In other words, in accordance with the stipulations of the Peace Treaty, all foreign troops should have been withdrawn from Trieste already at the end of January 1948.

"So far, not a single one of the afore-mentioned provisions of the Peace Treaty with Italy has been fulfilled by the Governments of the United States, Great Britain and France, owing to their gross violations of the obligations they assumed under the Peace Treaty. Though more than two and a half years have elapsed since the Peace Treaty with Italy came into force, neither the Permanent Statute nor even the Instrument for the Provisional Regime has yet been implemented; the Governor of the Free Territory has not been appointed; the Provisional Council of Government has not been constituted; the foreign troops have

not been withdrawn from the Free Territory of Trieste to this day and unlawfully continue the military occupation of the Territory.

"The Soviet Government deems it necessary to draw attention to the fact that for three years the Governments of the United States, Great Britain and France have done everything to prevent the appointment of the Governor of the Trieste Territory. During this period the Soviet Government has many times recommended a number of well-known democrats as candidates to this post. The Soviet Government, for instance, recommended for the post of Governor of the Free Territory of Trieste Mr. Georg Branting, who is prominent in Swedish public affairs, Mr. Wold, former Norwegian Minister of Justice, and M. Dejean, the French Ambassador. But these nominations were invariably rejected by the Governments of the United States, Great Britain and France, although there were no grounds whatever for their rejection.

"In the subsequent discussions about the appointment of a Governor, the Soviet Government agreed to a number of candidatures for the post recommended by other Governments. For example, the Soviet Government agreed to the appointment of Buisseret (Belgium) as Governor of the Trieste Territory, who was proposed by the Belgian Government and supported by the Governments of the United States and France, to the candidature of Flückiger (Switzerland), proposed by Great Britain, and of Ascarat (Spain), proposed by Yugoslavia. But no sooner did the Soviet Government agree to any of these nominations, than the representatives of the Western Powers refused to support them and deadlocked the appointment of a Governor. On their initiative, in March 1948, discussion in the Security Council of the appointment of the Governor of the Trieste Territory was suspended altogether for an indefinite period. And when, in February 1949, the U.S.S.R. representative insisted that the question of the Governor be again considered by the Security Council, the American, British and French representatives refused to discuss the matter.

"Thus, the appointment of the Governor of the Free Territory of Trieste was once more frustrated by the representatives of the United States, Great Britain and France. This state of affairs with regard to the appointment of a Governor was a consequence of the gross violation by the Governments of the United States and Great Britain, as well as of France, of the provisions of the Peace Treaty with Italy relating to the Free Territory of Trieste.

"By rejecting without any legitimate grounds one nomination after another for the

post of Governor of the Trieste Territory, the Governments of the United States, Great Britain and France render it impossible to implement the aforesaid decision of the Council of Foreign Ministers and the provisions of the Peace Treaty with Italy pertaining to the appointment of a Governor, thus preventing the entry into force of the Instrument for the Provisional Regime of the Trieste Territory and the Permanent Statute, and thereby paralyzing the formation of the Free Territory.

"On March 20, 1948, the Governments of the United States, Great Britain and France, made an attempt at open violation of the Treaty. In their endeavour to bring outside pressure to bear on the parliamentary elections then taking place in Italy, the Governments of the United States, Great Britain and France, on March 20, 1948, issued a joint statement proposing that the Free Territory of Trieste should again be placed under Italian sovereignty, in defiance of the Peace Treaty with Italy, which bears the signatures of 21 states, among them the United States, Great Britain and France. It goes without saying that the Soviet Government could not consent to this.

"The aim of setting up the Free Territory of Trieste was to ensure democratic rights to the population of the Territory, as well as to protect the national interests of all persons, irrespective of ethnic origin, sex, language or religion, residing in the Territory, and freedom of speech, publication, education, assembly and association. The formation of the Free Territory of Trieste also aimed at the establishment of good relations with neighbours and other nations.

"However, owing to the violations of the afore-mentioned provisions of the Peace Treaty by the Governments of the United States, Great Britain and France, and the unlawfully protracted rule of the British and American military authorities in Trieste, these aims have not been achieved and, consequently, the appropriate provisions of the Peace Treaty have not been fulfilled.

"Also as a result of violations of the Peace Treaty, the economic position of Trieste is a difficult one and continues to deteriorate. Economic life in Trieste is coming to a standstill, factories are working below capacity, the machine industry is operating at only 35 per cent of the 1938 volume, and the shipyards at not more than 35 per cent, while industrial output in general has hardly attained 30 per cent of the 1938 level. The port of Trieste is operating at only 60 per cent of capacity. A considerable section of the working people of the Free Territory of Trieste are without work,

and at the same time have to bear the heavy burden of expenditure for the maintenance of the British and American occupation forces. The Municipal Council spends more than half its budget on the maintenance of the police.

"Despite the provisions of the Peace Treaty which grant the people of Trieste democratic rights and liberties, police tyranny reigns in the Trieste Territory. People who advocate the establishment of a democratic regime in Trieste are severely prosecuted, while war criminals remain at liberty.

"As to the aim of ensuring good relations with neighbours and other nations, this aim has not been achieved either, owing to the fact that the Governments of the United States and Great Britain have turned Trieste into their naval base, and have delivered Trieste over to the American and British military authorities.

"Yet the Permanent Statute of the Free Territory of Trieste contains a special article, Article 3, which is entitled 'Demilitarization and Neutrality,' and which reads:

"1. The Free Territory shall be demilitarized and declared neutral.

"2. No armed forces, except upon direction of the Security Council, shall be allowed in the Free Territory.

"3. No para-military formations, exercises or activities shall be permitted within the Free Territory..."

"All these provisions have been grossly violated by the Governments of the United States and Great Britain. American and British troops are maintained in Trieste uncontrolled, and military manoeuvres and other military measures are carried out. The United States and Great Britain keep sending more and more naval vessels to Trieste, using it as their permanent naval base. Military airfields, barracks and strategical roads are being built on Trieste territory. There are no civilian authorities in Trieste, everything has been subordinated to the American and British military authorities, who have established a military regime in Trieste.

"The result is that Trieste, instead of being a free territory which was to be governed on democratic lines, has been turned into an unlawful Anglo-American naval base, a naval base in southern Europe, on foreign territory, territory belonging neither to the United States nor to Great Britain. This Anglo-American naval base is unlawful, since not only are there no international agreements granting the

Governments of the United States and Great Britain the right to maintain such a base in Trieste, but the afore-mentioned Article 3 of the Permanent Statute of Trieste expressly forbids anyone to maintain armed forces in Trieste except upon direction of the Security Council. And, as is known, there have been no such directions. Despite the categorical stipulation of the Peace Treaty that the Trieste Territory be demilitarized and neutralized, the Territory has been turned into a military place d'armes in southeastern Europe, occupied by the armed forces of the United States and Great Britain, and constituting a menace to the peace and security of Europe.

"Grossly violating the Peace Treaty in respect to Trieste, the Governments of the United States and Great Britain, with the support of the Government of France, have created a situation in Trieste which enables them to maintain their occupation forces in the Trieste Territory indefinitely, and to rule uncontrolled in the Territory as their expansionist plans dictate.

"The Soviet Government considers that Trieste cannot be allowed to remain in this position any longer, and insists upon the elimination of the above-mentioned gross violations of the Peace Treaty with Italy on the part of the Governments of the United States, Great Britain and France, and on the precise fulfillment of this Treaty. With this end in view, the Soviet Government deems it necessary:

"1. That the Instrument for the Provisional Regime of the Free Territory of Trieste be put into force immediately.

"2. That the Governor of the Free Territory of Trieste be appointed without delay.

"3. That the Provisional Council of Government of the Free Territory of Trieste be constituted in accordance with the provisions of the Peace Treaty.

"4. That the date be fixed for the entry into force of the Permanent Statute of the Free Territory.

"5. That the unlawful Anglo-American naval base in Trieste be liquidated.

"6. That the British and American troops be withdrawn from the Free Territory of Trieste."

MM. Kirk, Chataigneau and Nicholls stated that they would make these notes known to their Governments.

